DSU Council Meeting Agenda
Extraordinary Meeting of Council

Meeting Date and Time: July 30, 2020 6:00pm
Location: Microsoft Teams Virtual Meeting

Land Acknowledgement

The Dalhousie Student Union acknowledges that Dalhousie University and the Dalhousie Student Union Building are located on traditional, unceded and unsurrendered Mi’kma’ki territory. The Dalhousie Student Union seeks to honour the relational treaty process in its programming, events, and meetings.

1. Call to Order
Meeting called to order at 6:07PM

2. Roll Call
Present:
Madeleine Stinson – President
Hanna Stewart - Vice President, Internal
Erica Seeleman – Vice President, Academic and External
Fatima Beydoun - Board of Governors Representative 1
Zachariah Scinocca - Faculty of Dentistry Representative
Shane Isler - Faculty of Law Representative
Jennifer Dubois - Faculty of Management Representative
Cameron Penny - Faculty of Medicine Representative
Bakhmala Khan - Faculty of Science Representative
Nik Isaac-Pictou - Indigenous Students’ Representative
Claudia Castillo-Prentt - Black Students’ Representative

Absent with regrets:
Isa Wright - Vice President, Finance and Operations

Absent without regrets:
Faculty of Agriculture Representative
Faculty of Computer Science Representative
Drew Guyan - LGBTQ+ Students’ Representative

Vacant:
Board of Governors Representative 2
Faculty of Architecture Representative
Faculty of Arts and Social Sciences Representative
Faculty of Engineering Representative
Faculty of Graduate Studies Representative
Faculty of Health Professions Representative
Non-voting Members: (note: non-voting attendees are listed here only if they contributed during the meeting. DSU members who were present to observe the meeting but did not intervene in discussion are not listed)
Lane Harrison – Dalhousie Gazette

3. Approval of the Agenda
   Moved by: Vice President, Academic; seconded by: Faculty of Management Representative

   Motion passes.

4. Business Arising Out of the Minutes
   None.

5. Approval of the Minutes of the Previous Meeting
   MOTION 2020-07-30-5.1
   BE IT RESOLVED THAT the minutes from the DSU Council meeting on July 16, 2020 be adopted as circulated.

   Document attached

   Moved by: Vice President, Academic; seconded by: Indigenous Students’ Representative

   Motion passes.

   MOTION 2020-07-30-5.1.1: Motion to amend the minutes.
   Amendment: adding Black Students’ Representative as “absent”

   Moved by: Black Students’ Representative; seconded by: President

   Motion passes.

6. Communications Received
   Regrets from Vice President, Finance and Operations

7. New Business
   7.1 Presentation and discussion of Judicial Board report on VPSL conduct.

   Presented by the President; document to be circulated on July 30.

   The President stated that the third-party investigator, Kelly Macmillan, is very well-rounded and conducted the investigation well. The investigator found that the complainant was not Olivia MacDonald. This means that the complainant is not who they said they were. The respondent did not drug the complainant at JadFest. The incident described in the Change.org petition did
not occur as alleged. Statements published by Jad Ghiz were not meant to cause ill. The investigator did not address potential allegations of sexual violence on other platforms; this is because the committee did not ask them to do so as they felt it would be beyond the scope of the DSU as these matters are outside the DSU’s jurisdiction.

In conclusion, the President felt that it noteworthy that the due diligence breaches on the part of Jad Ghiz were not made in bad faith and were not made to be misleading. The judicial board recommends that we enact an action plan committee to outline issues similar to these so that they can be addressed in a meaningful, timely, and appropriate manner in the future. The President stated that this investigation has indicated to us places that we can do better and be more considerate. The judicial board recommends that there be no further disciplinary action toward Jad Ghiz as there was no ill will or malevolent intent.

MOTION 2020-07-30-P1: Motion for a 5-minute recess.
   Moved by: President; seconded by: Faculty of Management Representative

The Chair explained that the recess was to allow for council to process the information presented by the President.

Motion passes.

Indigenous Students’ Representative asks, why council received this report only 3.5 hours ago? Councillors may not have had time to look over the report prior to the Council meeting. President states, they read the report themselves and spoke to the executive committee about when to release it. They wanted to take the cautionary road and reduce the risk of having it end up online.

Board of Governors Representative 1 states, they are having difficulty understanding how the decision to suspend the VPSL was a misuse of judicial board authority. President states, the judicial board is of the opinion that the mechanism to use themselves and judicial board policy as a reason for suspension was not with alignment with policy. The judicial board would have preferred no suspension to take place and that should a suspension have been implemented, judicial board policy should not have been used to justify it.

Black Students’ Representative asks, what policy was breached? President states, there was misuse of judicial board authority. Under section 33, it states that the judicial board has the authority to suspend an individual who is the subject of an inquiry, but the neither the executives nor councillors hold this power. They believe that council adopted a power they understand to be solely their own and this was a misuse of power to justify an action that should not have occurred.

Faculty of Law Representative states, looking at the investigation summary, it was very vague especially given the seriousness of the investigation. They would like more information on what was found, other than the conclusion.
President states, it is important to note that the summary was created for internal use within the DSU. The President created the report in a manner that would protect the privacy of those included in the report and make it easy to use for meetings. Therefore, this is a very basic summary of the investigation. Within the investigation itself however, there is a lot more reasoning. The President says that if they were to give the full report to council, it would become public knowledge, and this would be a breach of privacy. In motions they’ve passed, council does have the ability to look at it in its entirety and can also look at the redacted version which hides personal information. The President believes that the redacted version is in very legal terms and is likely to be inaccessible to people who are not familiar with legal speak. They state that if they were to put the report on record, there is chance that members would read it and interpret it in a way that will perpetuate matters. If council is to look at a version of the report that is redacted, the President wants it to be moved to an in-camera session. However, with that being said, the membership will be receiving a more thorough summary than that received today.

Indigenous Students’ Representative asks, why wasn’t a redacted version in non-legal terminology circulated?
President states, they understand the concern. It is possible to have the legal report translated from legal speak in its entirety but that would take time; the President states that they could do that if that is what the membership wants. However, the President would like more information from council and doesn’t want to be making this decision on their own as they don’t have the experience.

Indigenous Students’ Representative states, the document is written in a very ambiguous manner which makes it difficult for some to understand. They suggest that we have two versions, one that is redacted and one that isn’t, such that the membership can compare. President states, they understand this concern but would still like more information from council and doesn’t want to be making this decision on their own as they don’t have the experience.

Vice President, Academic and External states, that it is not entirely appropriate for the executive team to translate the report out of legal speak. This is because it would lead to assumptions and concessions which we do not have the background for. They state that if council would like to see the report, the names appearing on it could be blacked.

Faculty of Management Representative asks, given that the judicial board has seen the full report and come to this decision, is there much else missing? Does this come down to council simply needing to know more?
President states, indeed, the judicial board has seen the full version however the judicial board is comprised of law students who are bound by legal obligations. The President states that they are bound by the direction of council; if folks want to move in that direction, they should decide what they would like to do.
Vice President, Academic and External states, they understand the council’s desire to know more; however, they believe that the investigator chosen for this matter was appropriately selected because of her ability to work with survivors. They believe that some level of trust needs to happen with council.

Board of Governors Representative 1 states, they are curious to know what the Faculty of Law Representative’s thoughts are since they brought up the initial concern. Faculty of Law Representative states, they would not have asked for a redacted version. They also state that they do not distrust the conclusion; however, it is hard to cast judgement on an investigation when we haven’t properly received report for. There was not much information given on the complainant. They would like more information on the legal aspects behind the conclusion.

Black Students’ Representative states, they would like to echo what the Faculty of Law Representative stated. They would like to have more detail on how the judicial board came to their decision, given the seriousness of the allegation.

Faculty of Management Representative asks, does the investigator’s report include all of the avenues explored by the investigator? President states, that all steps taken by the investigator were included in the report, which was given to the judicial board. The President states that they are not preventing the membership form seeing the report and that if folks would like to see it, a motion needs to be made. Faculty of Medicine Representative states, they would like more information as well and would like to propose a motion to see the redacted version of the report in-camera.

MOTION 2020-07-30-P2: Motion to move in-camera to see the contents of the redacted report.

Moved by: Faculty of Medicine Representative; seconded by: Faculty of Law Representative

Motion passes.

Council moved in camera at (7:16PM)

Council moved ex camera at (7:45PM)

MOTION 2020-07-30-7.2:

WHEREAS Council engaged an external legal investigator to investigate allegations made online against the Vice President, Student Life and the resulting report found that the allegations, based on a balance of probabilities, are false; and

WHEREAS the report was forwarded to the Judicial Board who have considered the findings in the context of the DSU Bylaws and Policy and found that any breaches of policy made by the Vice President, Student Life were undertaken during extenuating circumstances and without the intent to cause harm; and
WHEREAS Council acknowledges that many survivors justifiably fear not being believed when coming forward with a disclosure of sexual violence, due to the culture of non-consent and victim-blaming that is commonplace within our communities and our campuses; and

WHEREAS the Council acknowledges that these accusations against the VPSL have opened up conversations that have perpetuated harm against survivors of sexual violence, especially those who are Queer, Black, Indigenous, and other persons of color, which must be addressed; and

WHEREAS Council seeks to enshrine principles of justice that recognize both the need for survivor-centric response and the need to actively counter discrimination and bias against racialized students that can lead to disproportionate repercussions against those students when compared to their white peers;

WHEREAS the complexity of this process has pointed to a need for the DSU to better support racialized members of the DSU community to ensure that all students are treated equitably; and

WHEREAS the complexity of this process has also pointed to a need for the DSU to concretely act on survivor-centric principles by improving and clarifying internal complaint, investigation, and discipline procedures to ensure they are in line with the DSU’s overarching principles and the mandate of the Survivor Support Centre;

THEREFORE:

BE IT RESOLVED THAT the DSU Council strike an ad-hoc committee, in line with recommendation from the Judicial Board’s advisory opinions, to ensure that DSU policies and procedures reflect a survivor-centric framework as well as due process, fairness, and transparency; and

BE IT FURTHER RESOLVED THAT this Committee includes the DSU President, at least two non-Executive Councillors, and two members-at-large; and

BE IT FURTHER RESOLVED THAT the Committee is named the Response Committee; and

BE IT FURTHER RESOLVED THAT the Committee shall include an individual external to the DSU with expertise in creating and revising survivor-centric policy as a non-voting advisory member; and

BE IT FURTHER RESOLVED THAT the Committee reports to Council on all progress during the last meeting of Council for 2020 and again at the last meeting of 2020-21 Council.

Moved by: President; seconded by: Vice President, Academic and External

Motion passes.

8. Notice of Motion
8.1 The following motion will appear on the agenda at the next Council meeting on August 13:
BE IT RESOLVED THAT the proposed Elections and Referenda Policy be adopted as proposed.

BE IT FURTHER RESOLVED THAT the existing Elections Policy and Referenda Policies be struck, as well as the Community Representation and Faculty Representation Policies.

Moved by the President upon recommendation of Bylaw and Policy Review Committee; document to be circulated on July 30.

8.2 The following motion will appear on the agenda at the next Council meeting on August 13:

BE IT RESOLVED THAT the proposed Bylaw and Policy Review Committee Terms of Reference be adopted as proposed.

BE IT FURTHER RESOLVED THAT the existing Bylaw and Policy Review guidelines be struck.

Moved by the President upon recommendation of Bylaw and Policy Review Committee; document to be circulated on July 30.

President has indicated that these will be circulated tomorrow morning (July 31st, 2020).

9. Announcements

None.

10. Adjournment

Meeting adjourned at 7:57PM.